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Oct 17 2002
10/19/02
Attorney Docket No.: 225/49355
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

AXEL SCHAMAL

Group Art Unit: 2859

Serial No.: 09/674,852

Examiner: T. Reis

Filed: December 14, 2000

For: DEVICE FOR DETERMINING THE POSITION OR SIZE OF A HOLE

REQUEST TO WITHDRAW FINALITY OF
OFFICE ACTION DATED AUGUST 14, 2002

Commissioner for Patents
Washington, D.C. 20231

Sir:

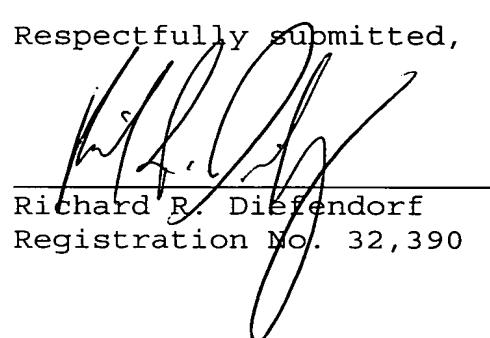
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It is respectfully requested that the finality of the Office Action dated August 14, 2002 be withdrawn. M.P.E.P. §706.07(a) provides that second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection neither necessitated by applicant's amendment nor based on information submitted in certain information disclosure statements (emphasis added). In the present case, no amendment was made by the Reply filed May 7, 2002. The new grounds of rejection presented, i.e. the

rejections based solely or partially on U.S. Patent 3,068,573 to Sidwell, were not necessitated by either an amendment or information submitted in an information disclosure statement. It follows that the finality of the Office Action dated August 14, 2002 (Paper No. 11) should be withdrawn.

Respectfully submitted,

Date: October 16, 2002


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